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Milk Testing Requirements

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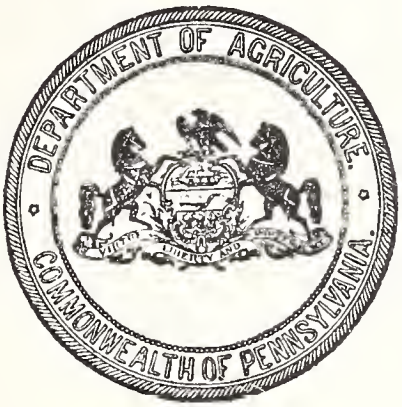
BUREAU OF FOODS AND CHEMISTRY



C. G. JORDAN, *Secretary of Agriculture*

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LETTER OF TRANSMITTAL
PENNSYLVANIA DEPARTMENT OF AGRICULTURE
BUREAU OF FOODS AND CHEMISTRY

Harrisburg, February 5, 1930

Hon. C. G. Jordan
Secretary of Agriculture
Harrisburg, Pennsylvania

Dear Sir:

I have the honor to transmit herewith for your approval manuscript for bulletin entitled "Milk Testing Requirements", which includes a copy of the Milk Testing Law, Act of May 6, 1925, as amended April 7, 1927, an outline of its requirements and instructions for the proper method of procedure for testing, weighing and sampling milk and cream.

It is recommended that this manuscript be published in bulletin form for the guidance of operators of milk receiving plants and stations and those employed to weigh, sample and test milk and cream and operate the Babcock test.

Very respectfully yours,

JAMES W. KELLOGG
Director-Chief Chemist

MILK TESTING REQUIREMENTS

INTRODUCTION

The milk Testing Law, Act of May 6, 1925, as amended April 7, 1927, requires all milk receiving stations, ice cream factories, cheese factories and plants receiving milk from producers to obtain a permit, authorizing their operation. These permits are required regardless of the method of paying producers for the milk and cream delivered, whether on the flat rate basis or on the basis of Babcock tests.

Where the payments are made on the basis of tests for butterfat, qualified and licensed milk testers and weighers and samplers are required to be employed at each receiving station.

The enforcement of this law is charged to the Secretary of Agriculture of the Pennsylvania Department of Agriculture and the Bureau of Foods and Chemistry has been designated as the agency for carrying out the provisions of this act, which was designed to regulate the weighing and testing, buying and selling of milk and cream and to assure to milk producers correct payments for deliveries made as well as to protect operators and are required to be employed at each receiving station.

The Department of Agriculture, therefore, has supervision over the examination of applicants for testing, weighing and sampling and issues licenses to those who pass the required qualifications. Direct supervision is had over all of the milk receiving stations where this work is being done.

All persons, therefore, in charge of the operation of milk receiving stations and all testers, weighers and samplers are held responsible under the provisions of the law for any irregularities in testing, methods of procedure or complying with the provisions of the law and consequently in case of any violations, managers of plants, together with testers and weighers and samplers, must be held responsible for failure to meet the requirements.

As the Department desires to give full cooperation and assistance to operators of plants as well as milk dealers and producers, this bulletin is issued for the purpose of giving publicity to the general requirements of the law, the methods of procedure required and such information as will be helpful to a better understanding of proper methods of testing, weighing and sampling milk and cream.

I—REQUIREMENTS OF THE LAW

Milk and Cream Permits:

Each creamery, shipping station, milk factory, cheese factory, ice cream factory or milk condensory or person receiving, buying and paying for milk or cream, regardless of the method of settlement, is required to hold a permit for each and every place where

milk or cream is received from producers by weight or measure. Permits are not required to be held by individuals buying milk or cream for private use nor by hotels, restaurants, boarding houses, railroad dining cars, retail stores or drug stores. Permits are issued for each calendar year and are required to be posted in plain view in the station for which they are issued.

Licensed Testers:

Every person, association, copartnership or agent engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein, as determined by the "Babcock test," is required to have all such tests made only by a licensed tester, who is held responsible for the correctness of such tests. Milk and cream testers are required to be qualified for proficiency in operating the Babcock test by passing a satisfactory examination given by the Department of Agriculture, whereupon certificates of proficiency are issued, which entitle them to make application for a tester's license. A person qualified for and receiving milk tester's license is authorized to also weigh and sample milk and cream without holding a weigher's and sampler's license. Licenses are issued for each calendar year and are required to be renewed January 1st of each year.

Licensed Weighers and Samplers:

It is required that when the method of settlement for milk and cream is on the butterfat basis or in any way with reference to the amount of butterfat contained therein, sampling and weighing must be done either by a licensed tester or by a person qualified and licensed to weigh and sample milk and cream. All persons in order to obtain a license for weighing and sampling must be qualified and pass a satisfactory examination given by the Department of Agriculture, whereupon certificates of proficiency are issued.

Examinations for Proficiency:

Before licenses can be obtained to make tests for butterfat or to weigh and sample milk and cream applicants must first pass a satisfactory examination, conducted by the Pennsylvania Department of Agriculture. These examinations are given from time to time by Dairy Experts and persons desiring to take such examinations should write to the Bureau of Foods and Chemistry, Harrisburg, Pa., and arrangements will be made and the applicants notified as to the place and time they may appear for examination.

Certificates of Proficiency:

Persons who have successfully passed satisfactory examination given by the Department in testing and weighing and sampling milk will be issued certificates of proficiency for which they are required to pay a fee of $3.00 for testers and $1.50 for weighers

and samplers certificate. In case the fee is paid and applicants do not pass examinations the amounts paid will be refunded to the applicants.

Fees:

A fee of $5.00 for each calendar year or portion of year is required to be paid for every creamery, shipping station, milk factory, cheese factory, ice cream factory, milk condensory or person receiving, buying or paying for milk, regardless of the method of settlement. The fee for a certificate of proficiency for weighing and sampling is $1.50 and for testing $3.00. Certificates of proficiency in weighing and sampling and testing when once obtained are not required to be renewed unless it is found that the persons to whom they are issued fail to continue to operate in a satisfactory manner. The fee for a testers and a weighers and samplers license is $3.00 for each calendar year or portion of a year and these licenses may be obtained by submitting certificates of proficiency with applications and checks for the amount of fees. All licenses are issued for each calendar year and must be renewed before January 1st of each year. All fees should be submitted in the form of certified checks or money orders made payable to "State Treasurer" and sent direct to the office of the Bureau of Foods and Chemistry with applications.

Standard Glassware:

Only standard Babcock test glassware which has been previously inspected and approved by the Bureau of Standards of the Department of Internal Affairs can be used for making butterfat tests by the Babcock method.

Babcock Tests:

Every person, association, copartnership, corporation or agent engaged in the business of receiving or buying milk or cream from producers on the basis of or in any way with reference to the amount of butterfat contained therein is required to have such tests made only by the "Babcock test" method and such tests can only be made by a licensed tester.

Composite Samples:

All persons, associations, copartnerships, corporations or agents or servants thereof engaged in the business of buying milk or cream from producers on the basis of or in any way with reference to the amount of butterfat contained therein are required to take aliquot parts from each of the several lots of milk or cream purchased from each person or producer and prepare with such aliquot parts a composite sample, which shall be suitably preserved and held in an airtight bottle, plainly labelled, showing the name or number of the person whose milk or cream the composite sample represents. These composite samples are required to cover a period of not more than sixteen days. After each of these composite samples have been tested their residues are required to be

held intact and in suitable condition for check tests to be made on the premises where they are tested for a further period of not less than ten days.

Tests Every Sixteen Days:

The law requires composite samples to be tested every sixteen days. Where daily tests are made the average of these several daily tests may be used as a basis of settlement but it is required that a composite sample also be taken covering a period of the first and last half of the month, which shall be held intact on the premises for a period of not less than ten days for rechecking when required.

Reports of Tests:

Reports of all tests made are required to be submitted to the producers and sellers of milk and cream delivered within two days after the day on which the tests have been made together with a statement, showing the period of time during which the composite samples were taken.

Penalties for Violations:

Any person or persons convicted of violating any of the provisions of the Milk Testing Law (except Section 2) are subject to a fine of not less than $10.00 nor more than $50.00 or imprisonment for not less than ten days nor more than thirty day at the discretion of the court. Any person or persons convicted of violating Section 2 of the law as a result of under-reading, over-reading, fraudulently manipulating the Babcock test or falsifying the records of tests made and reported is liable for a fine of not less than $100.00 or more than $1000.00 or imprisonment for not more than nine months.

II—REQUIREMENTS FOR WEIGHING AND SAMPLING

Scales:

All scales are required to be approved as to accuracy and kept clean and in good working condition.

Sampling:

1. It is required that samples be taken daily from the entire delivery of each producer's milk or cream.

2. Where milk is all dumped together in a weigh tank, samples may be taken with a small dipper but in all other cases they must be taken with a milk thief or sampling tube in proportion to the amount of delivery made.

3. The amount of sample taken each day should depend on the size of the sample bottles and the length of testing period but a large enough sample should be selected to fill the composite

sample bottles about two-thirds full when the composite samples shall be finished.

4. Samples should never be shaken with an up and down motion but with a rotary motion and then only sufficiently to keep the sides of the bottle clean.

5. The sample taken the first day of the sampling period should not be any greater than those taken the following days.

6. All samples taken on the first day of the sampling period after the preservative has had time to dissolve should be inspected in order to insure that the preservative is thoroughly mixed with the sample, otherwise the first portion of samples selected will sour before the preservative comes in contact with it.

7. All sample bottles must be thoroughly cleaned, dried and plainly marked or numbered and preservative added before used for sampling purposes.

8. Sample bottles should never be permitted to turn over on side in taking them from racks, thereby permitting the cream to run up the side of the bottles and come in contact with the stoppers. All stoppers should be kept dry at all times and under no conditions should the milk or cream be permitted to come in contact with them.

9. During the winter months care should be taken to make sure that cream does not adhere to the covers and sides of the cans as the failure to include the adhering cream cause deficiencies in final milk tests.

10. When milk is dumped from cans into weighing tanks make sure that all the milk is gotten out of the cans. Carelessness in this respect causes losses to producers.

III—REQUIREMENTS FOR TESTING

1. All operators of the Babcock test are required to have a general working knowledge of the apparatus and equipment employed in milk and cream testing as well as that required for weighing and sampling, together with a knowledge of the general composition and physical properties of milk, the factors effecting the composition of milk and the principal reasons for testing, together with the correct methods for handling, weighing and sampling.

2. Composite samples of milk and cream are required to be heated to a proper temperature to enable proper mixing. Samples should be prepared by placing in a waterbath at such a temperature as to make them uniform in mixture and in suitable condition for drawing the sample. The proper temperature will vary from approximately 85 to 100° Fahrenheit. After proper condition has been secured samples of milk should be drawn by means of a pipette and run into test bottles at the same temperature

and then cooled to 60° or below before adding the acid. Care must be taken to prevent "oiling" or separation of fat globules from serum. Results obtained upon improperly prepared samples or those which have become curdled, frozen or fat separated cannot be relied upon as being accurate.

3. Only standard glassware, approved by the Bureau of Standards, of the Department of Internal Affairs, will be permitted to be used.

4. All sample bottles, test bottles, glassware and testing equipment are required to be kept clean and in proper working condition.

5. Brushes, shot or any other similar foreign substances must not under any conditions be introduced into composite samples for the purpose of preparing them for testing. The use of a rubber policeman or similar method in conditioning samples is recommended.

6. All composite samples together with records of tests and other important records should be kept under lock and key at all times when not in use.

7. Every tester should keep an accurate record of all tests made for his own use for checking purposes and for future reference.

8. The only proper method of reading the Babcock test is by using calipers or dividers, carefully measuring the fat column from the extreme bottom of the lower meniscus to the extreme top of the top meniscus in the case of milk samples and in the case of cream samples readings should be made from the bottom of the lower meniscus to the bottom of the top meniscus. The percentages of butterfat should be measured accordingly. (See circular 129, "Testing Milk and Its Products", issued by the Pennsylvania State College, School of Agriculture and Experiment Station, State College, Pa., page 16, for cut descriptive of method of reading butterfat column).

9. Under no conditions will under-reading, over-reading or tolerances be accepted. Tests will be considered accurate or acceptable only when they are carefully made. The law recognizes no tolerances or variations in testing and none will be authorized. No readings of the Babcock test should be made except when the fat has a temperature of 130 to 145° Fahrenheit, (130° recommended). All samples must be set in a waterbath at about 140° Fahrenheit and allowed to remain for a sufficient time for the temperature to become constant. Reading samples direct from machine, regardless of what type of machine is used, will not be approved.

10. The use of unclean glassware and other equipment which are not in proper condition for testing purposes will be considered sufficient evidence that testing is unsatisfactory.

11. Tests are required to be made not less than once every sixteen (16) days and care must be taken when pipetting to avoid

contamination of one sample with another so that the portions of composite samples remaining may be held in the original condition for ten (10) days subsequent to testing, as required.

12. Licenses are required to be posted in plain view in the room in which testing is done.

13. Licenses may be revoked at any time for failure to correctly follow the prescribed methods for testing or for not having licenses posted as required.

IV—COMPOSITE SAMPLES

1. Composite samples are required to be prepared, representing each producer's shipment, and must consist of aliquot portions taken from each delivery. The amount of sample will depend on the size of the bottles and length of testing period, however enough should be taken to fill the bottles about two-thirds full when the composite sample is completed.

2. Where milk is all dumped together in the weigh tank, samples may be taken with a small dipper but in all other cases samples must be taken with a milk thief or sampling tube in proportion to the amount of milk or cream delivered.

3. All samples are required to be kept in clean, suitable stoppered bottles, properly marked with the number corresponding to the patron's number on milk sheets, and kept in special racks for that purpose. The racks containing samples should show the date of the first and last days which the samples cover.

4. Composite samples must at all times be kept in such a manner that they will not freeze or become contaminated or out of condition and should be properly preserved.

5. Before sampling and testing all composite samples are required to be placed in proper physical condition by means of suitable mixing, avoiding excessive agitation, and at a temperature which will allow uniform mixtures. Under no conditions should frozen, decomposed or mouldy samples be tested.

6. Removal of composite samples from the premises where they are taken to any other plant or laboratory for testing purposes is not permitted except under approved conditions and after first obtaining permission from the Bureau of Foods and Chemistry for such transfers to be made.

7. Permission for transporting samples from the plant where they are taken to another plant or laboratory for testing purposes may be obtained when it appears that testing may be properly done at some central point more satisfactorily and where samples can be transported in proper condition.

8. Under no conditions will approval be given for the transfer of composite samples to a laboratory located outside the State.

V—INSTRUCTIONS TO PLANT MANAGERS

1. Managers and operators of all milk testing plants, receiving stations, ice cream factories and cheese factories should familiarize themselves with the provisions of the Milk Testing Law, which include the following specific and important requirements.

2. Milk and cream permits are required to be obtained for each plant and posted in the plant before operations commence.

3. When settlements are made on the basis of butterfat content, arrangements should be made for employing only licensed testers and weighers and samplers.

4. Proper equipment, including standard and approved glassware, should be provided and facilities arranged for keeping the same in good condition.

5. A suitable place must be provided for taking care of samples and proper quarters also provided for setting up and operating the Babcock testing machine and keeping equipment and apparatus in proper working condition. This equipment should include a waterbath with thermometers for properly preparing composite samples.

6. Managers and operators of milk plants will be held responsible for the work of all employees under their supervision, including testers, weighers and samplers.

7. Composite samples are required to be tested at least once every sixteen (16) days and notices of the results of the Babcock tests supplied each producer. This may be done by posting the results obtained at the plants in a conspicuous place for a period of not less than ten (10) days in those cases where the producers or their personal representatives make deliveries at such plants. In all other cases it is required that within two (2) days after tests are made, written notices be sent to each producer, showing the results obtained.

VI—MILK TESTING LAW

(Act of May 6, 1925, No. 290, as amended April 7, 1927.)

AN ACT

Section 1. Be it enacted, &c., That every creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensary, or person receiving, buying and paying for milk or cream regardless of the method of settlement shall be required to hold a permit for each and every place where milk or cream is received by weight or measure: Provided, however, That nothing in this act shall apply to individuals buying milk or cream for private use, or to producers buying milk in emergencies to make up their regular supply, or to hotels, restaurants, boarding houses, railroad dining cars, retail stores, or drug stores. The permit shall be issued by the Secretary of Agriculture to such creamery, shipping station, milk factory, cheese factory, ice cream factory,

or milk condensary, or person upon the payment of a fee of five dollars ($5.00) and after filing of such information as may be required by the Secretary of Agriculture. All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this Act. The permit shall be valid for a term of one calendar year and may be revoked by the Secretary of Agriculture for any violation of the provisions of this act. This permit issued hereunder shall be posted in plain view in the station for which it is issued.

Section 2. It shall be unlawful for any person, association, copartnership, or corporation, their agents or servants engaged in the business of buying milk or cream on the basis of or in any manner with reference to the amount or percentage of butterfat contained therein, to under-read, over-read or otherwise fraudulently manipulate the test commonly known as the "Babcock test" used for determining the percentage of such fat in said milk or cream, or to falsify the record thereof, or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty degrees to one hundred forty-five degrees Fahrenheit, or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream. In all tests of cream, the cream shall be weighed and not measured into the test bottle.

Section 3. No person, association, copartnership, or corporation purchasing milk or cream and paying for the same on the basis of the percentage of butterfat contained therein shall, if the percentage of butterfat is ascertained by the said "Babcock test," use any test glassware except standard Babcock test glassware which has been previously inspected and approved by the Bureau of Standards of the Department of Internal Affairs. If the proportion of butterfat is determined by any method other than the "Babcock test" no utensil or instrument shall be used in such determination until the same has been inspected and approved by the Secretary of Agriculture or his agents.

Section 4. Every person, association, copartnership, corporation, or agent or servant thereof engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein as determined by the "Babcock test" shall have the test or tests made only by a licensed tester who shall be responsible for the same. For the purpose of this act a licensed tester is any person who, having furnished satisfactory evidence of good character and having passed a satisfactory examination in milk and cream testing conducted by the Pennsylvania Department of Agriculture, shall have received a certificate of proficiency from the said department. Each applicant for such certificate shall pay a fee of three dollars ($3.00) to the Secretary of Agriculture or his agents. The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number. The Secretary of Agriculture upon receipt of this cer-

tificate of proficiency, together with the payment of a fee of three dollars ($3.00), shall issue a license to said applicant good for one calendar year. This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of a fee of three dollars ($3.00). All moneys so collected shall be used to meet the expenses of the Department of Agriculture for the enforcement of this act. Each certified tester shall post his license in plain view in the testing room in which he is employed. The Secretary of Agriculture shall revoke said license for failure to post it as above required or for any other just cause.

Section 5. Every person, association, copartnership, or corporation engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein shall have the samples taken for testing purposes either by a licensed tester or by a person licensed or certified to weigh and sample milk and cream. For the purpose of this act a person certified to weigh and sample milk or cream is any person who, having furnished satisfactory evidence of good character and having passed a satisfactory examination in weighing and sampling milk and cream conducted by the Department of Agriculture shall have received a certificate of proficiency from said department. Each applicant for such certificate shall pay a fee of one dollar and fifty cents ($1.50) to said department. The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number. The Secretary of Agriculture upon receipt of this certificate of proficiency, together with the payment of a fee of three dollars ($3.00), shall issue a license to said applicant good for one calendar year. This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of three dollars ($3.00). All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act. Each licensed weigher and sampler shall post his or her license in plain view in the plant in which he or she is employed. The Secretary of Agriculture may revoke said license for failure to post it as above mentioned or for any other just cause.

Section 6. Any person, association, copartnership, corporation, or agents or servants thereof engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount or percentage of butterfat contained therein as determined by the "Babcock test" shall make such test at least once every sixteen days. The milk or cream purchased from each person shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk or cream bought from said person and shall cover a period of not more than sixteen days. The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk or cream bought from each person concerned, and composite samples of all persons con-

cerned shall cover the same period of time. Each composite sample shall be held in an air-tight bottle—such bottle being plainly labeled showing the name or number of the person whose milk or cream the composite sample represents—and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples. The Secretary of Agriculture may require that the composite samples be tested on the premises where they are taken whenever in his judgment such action is for the public welfare. After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten days in order to make possible a check test. The Secretary of Agriculture, or his agents, is hereby authorized to make such tests whenever in his judgment such tests are advisable for the public welfare. Every person, firm, or corporation affected by the provisions of this act shall within two days after the day on which the test herein provided for has been made notify the seller of such milk or cream or his agent of the result of such test, stating the period of time during which said composite samples were taken. Notice under this section may be given by posting of the results of said tests continuously for ten days in a conspicuous place in receiving stations or in writing. Where a daily test is made on milk or cream and the average of these several tests used as a basis of settlement there shall also be a composite sample taken covering a period of first and last half of month and shall be held intact on the premises for a period of not less than ten days, in order that the Secretary of Agriculture or his agents may make check tests whenever in his judgment such tests are advisable for the public welfare.

Section 7. No percentage of fat ascertained from a sample containing milk or cream that has been so treated as to cause it to test lower or higher than the test of the milk or cream from which it was taken shall be used as a basis of payment for milk or cream purchased or sold.

Section 8. No person, association, copartnership, or corporation purchasing or selling milk or cream or both by weight or measure, and no agent or servant of any such person, association, copartnership, or corporation shall fraudulently use as a basis of payment for such purchase any weight or measure other than the true weight or measure of the milk or cream purchased or sold.

Section 9. Every person, association, copartnership, corporation or agent or servant purchasing or receiving milk or cream from the producer thereof for manufacturing purposes or for reselling the same shall, at each time of payment to such producer for such milk or cream, or where the producer of such milk or cream is selling the same to such purchaser or receiver by or through co-operative association or other agency and the payment thereof is being made by such purchaser or receiver to such

co-operative or other agency shall at the time such purchaser or receiver makes each payment to such co-operative association or other agency, give each such producer so delivering milk a statement showing the amount delivered daily during the time for which payment is made and the average per centum butterfat test of same, provided payment is made on the basis of the butterfat content—such statement to contain the name or number of the producer or seller of such milk or cream, the date of delivery thereof, and the amount so delivered; such statement to be given in the terms of the unit used as a basis for determining the value thereof: Provided, however, That such purchaser or receiver may in lieu of said monthly statement give daily to such producer or to his agent at the time of delivery of such milk or cream to such purchaser or receiver a written statement of the amount of milk or cream so received or purchased.

Section 10. The Secretary of Agriculture and his agents are hereby authorized to enter the premises and to examine the books, the records, and testing apparatus of any person, association, copartnership, or corporation, for the purpose of carrying out the provisions of this act.

Section 11. The Secretary of Agriculture or his agents shall be charged with the enforcement of the provisions of this act.

Section 12. For violation of any of the provisions of this act proceedings may be instituted against the owner or manager who is responsible for the business transacted, together with the certified tester or the person weighing and sampling either or all.

Section 13. Any person or persons violating any of the provisions of this act except section two shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than ten dollars ($10.00) or more than fifty dollars ($50.00), or imprisonment in the county jail for not less than ten days or more than thirty days, or both, at the discretion of the court. Any person or persons found guilty of violation of section two of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00), or imprisonment in the county jail for not more than nine months.

Section 14. All fines and penalties imposed and received for the violation of any of the provisions of this act shall be paid to the Secretary of Agriculture or his agents and shall thereafter be paid into the State Treasury for the use of the Commonwealth.

Section 15. This act shall take effect ninety days after its approval.

Section 16. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved—The 6th day of May, A. D. 1925.